GPN-J.332-ARCHB-8.94-1310500-ALA4 Spl-H.C.A.S.C.D.79e

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 4166 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.)

Court's or Judge's orders

Mr. S.S. Pakale for Petitioner.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 18, 2005

P.C.

. The appellate authority namely Debt Recovery Appellate Tribunal had passed an order on 14.1.2004 with a direction that the petitioner herein deposits the sum of Rs.26 lacs within eight weeks from the date of the order i.e. 14.1.2004 and recovery proceedings were stayed till next date. The order of 10.3.2004 shows that the order was not complied with and consequently the appeal was directed to be treated as dismissed. It is this order which is subject matter of the present petition. The Petitioner admittedly was guarantor,

for the loans advanced. The appeal preferred has been dismissed for non compliance of the conditional order. We do not think this to be a fit case for this court to interfere in its extra ordinary jurisdiction. Hence, petition rejected.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)